

TUESDAY, August 26th, 1856.

The Senate was called to order by the President *pro tem.*, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Russell from the Committee on Private Land Claims No. 2, to which was referred a bill for the relief of Wm. B. Jordan's heirs, reported the same back for the favorable consideration of the Senate.

Mr. Grimes, Chairman of the Committee on Finance made the following report :

The Committee on Finance have considered a resolution referred to them, allowing the officers of the Senate one dollar per day as an extra donation for services during the adjourned session of the Legislature, and requiring the Secretary of the Senate to draw the same from the contingent fund.

The act of the 10th Feb. 1854, fixes the pay of the officers of both Houses of the Legislature, at five dollars per day.—For this compensation we have obtained good and efficient officers. At the commencement of the Legislature there was considerable competition for the several offices at the pay fixed by law, as a matter of policy or justice, it is not required. If it could be claimed as an act of Justice, it could not be passed without a violation of the 7th section of the 7th article of the Constitution which is as follows : " The Legislature shall provide by law for the compensation of all officers, agents, servants and public contractors not provided for by this constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed or contract entered into for the performance of the same, nor grant by appropriation or otherwise any amount of money out of the Treasury of the State to any individual on a claim real or pretended where the same shall not have been provided for by pre-existing law."

Under these considerations the committee return the resolution and recommend its rejection.

Mr. Hill, chairman of the committee on claims and accounts, to which was referred the memorial of W. H. Mayo, C. F. Whittington, and M. S. Clare, reported a bill for their relief and recommended its passage.

A bill for the relief of W. H. Mayo, C. F. Whittington, and M. S. Clare, read 1st time.

Mr. Hill, Chairman of the Committee on Claims and Accounts to which was referred a bill for the relief of Robert S. Patton, reported the same back for the favorable consideration of the Senate.

Mr. Hill, from the same committee to which was referred a bill for the relief of James Hall, reported the same back, and asked to be discharged from its further consideration.

Mr. Palmer from the committee on the Judiciary made the following reports :

The Committee on the Judiciary to which was referred a bill requiring the Judges of the several Judicial Districts, hereinafter named, to alternate in holding the sessions of the District Courts, have had the same under consideration, and a majority of said committee have instructed me to report the bill back and recommend its passage, with the following amendments :

1st, Strike out all relating to the 1st and 7th Judicial Districts.

2d, Strike out "thirteenth" in 9th line, and insert "seventeenth."

3d, Strike out "eighteenth" and insert "second."

4th, Strike out all relating to 2d and 17th Judicial Districts alternating with each other.

The Judiciary Committee have considered a bill to amend an act entitled an act to define the times of holding the several District Courts of the 5th Judicial District, approved Feb. 13th, 1854, and instruct me to report the bill back with the following amendments and recommend its passage.

1st, Strike out "second Mondays" wherever it occurs, and insert "First Mondays."

2d, Strike out "tenth Mondays" in 12th line from bottom, and insert "seventh Mondays."

3d, Strike out "eleventh Mondays" and insert "twelfth Mondays."

4th, Strike out "thirteenth Mondays" and insert "fourteenth Mondays."

Mr. Guinn, Chairman of the committee on engrossed bills, reported the following bills correctly engrossed :

A bill to authorize James H. Matthews to erect a mill and construct a dam across the Colorado river.

A bill setting aside and appropriating land for the benefit of Asylums.

A bill granting certain flats to riparian owners at Indianola, and

A bill for the relief of the heirs of James M. Bell, dec'd.

Mr. Hill, Chairman of the Committee on Claims and Accounts made the following report :

The Committee on Claims and Accounts have considered a House bill for the relief of Dr. Sam. B. Dickinson, and instruct me to report the same back to the Senate and recommend its passage.

On motion of Mr. Hill, the rule was suspended, bill taken up, read 2d time and passed to a 3d reading.

On motion of Mr. Taylor of Cass the rule was further suspended, bill read 3d time and passed.

Mr. Millican, Chairman of the committee on roads, bridges and ferries, made the following report :

The committee on roads, bridges, and ferries, have examined a House bill to authorize C. C. Dewitt, to construct a bridge across the Guadalupe river near the town of Gonzales, and instruct me to return the same to the Senate and recommend its passage.

On motion of Mr. McCulloch, the rule was suspended, bill taken up read 2d time and passed to a 3d reading.

Rule further suspended bill read 3d time and passed by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Scarborough, Superville, Taylor of Cass, Truit, Weatherford, Whitaker, and White—22.

NAYS—None.

Mr. Flanagan, Chairman of the Committee on Internal Improvements made the following reports :

The committee on Internal Improvements have examined a substitute passed by the House for a Senate bill to amend an act to incorporate the Brazos branch R. R. Company, approved Feb. 10, 1854, and instruct me to return the same back to the Senate and recommend its passage.

On motion of Mr. McDade the rule was suspended, bill taken up, read 2d time and passed to a 3d reading.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, McCulloch, McDade,

Martin, Maverick, Millican, Palmer, Pedigo, Scarborough, Superviele, Truit and White—20.

NAYS—Messrs. Taylor of Cass, Weatherford and Whitaker—3.

Mr. Pedigo introduced a bill supplemental to an act to incorporate the Terraqueous Transportation Company; read 1st and 2d times and referred to the Committee on Internal Improvements.

Mr. Allen introduced a bill to authorize patents to issue in certain cases, read 1st time.

On motion of Mr. Allen the rule was suspended and bill read a second time,

Mr. White offered the following amendment, "and all other surveys which have not been returned previous to the 31st of Aug. 1853."

Rejected.

On motion of Mr. Guinn, the bill was referred to the Committee on Public Lands.

Mr. Guinn offered the following resolution:

Resolved, That Senator Russell and all others that have been excused and have returned, be allowed their per diem, during the time of their absence, and that the Secretary of the Senate be authorized to give them certificates for the same.

Mr. Hill offered the following amendment, "and all who were detained by unavoidable causes from serving at the beginning of the session."

Rejected.

Mr. Taylor of Cass offered the following as a substitute:

Resolved, That all Senators who have been excused and have returned to their duties shall be allowed their per diem, as though they had been in regular attendance.—Adopted.

Mr. McDade offered the following amendment: "and all others who have been excused for the balance of the session."

On motion of Mr. Taylor of Cass laid on the table by the following vote:

YEAS—Messrs. Allen, Bryan, Caldwell, Grimes, Guinn, Hord, Maverick, Superviele, Taylor of Cass, Truit and Weatherford—11.

NAYS—Messrs. Burroughs, Flanagan, Hill, McCulloch, McDade, Martin, Palmer, Pedigo, Scarborough, Taylor of Fannin and Whitaker—11.

There being a tie vote the President voted in the affirmative.

Mr. Hill moved to amend by adding, "and all Senators who

were prevented from sickness or other unavoidable causes from attending the Senate at its commencement, but who have since taken their seats, shall receive pay for the full term."

Laid on the table on motion of Mr. Weatherford.

The resolution was then adopted.

Mr. Palmer introduced a bill amending and supplemental to an act to establish the Galveston and Red River Railway Company, and the several acts supplemental thereto, read 1st and 2d times and referred to the committee on Internal Improvements.

A message was received from the House informing the Senate that the House had passed a Senate's bill, to define the time of holding the District Courts in the 12th Judicial District.

Also that the House had reconsidered the vote passing a bill to amend the 1st section of an act to amend the 2d and 7th sections of an act entitled an act to organise the Supreme Court of the State of Texas, approved May, 12th, 1846, and approved November 30th, 1850, and had amended the same and repassed it as amended.

And that the House had passed a bill originating in the House, requiring the Commissioner of the General Land Office to issue patents upon two land certificates therein mentioned, and

The following bills originating in the Senate:

A bill to incorporate the Texas Insurance and Savings' Fund Association.

And a bill to authorize the Commissioner of the General Land Office to issue patents upon certain surveys heretofore made upon the islands of Mustang, Matagorda and St. Josephs, with amendments.

Mr. Allen, Chairman of the Committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and presented to the Governor.

A bill to authorize Glover Wells to construct a bridge across the east fork of the Trinity River.

And a bill to incorporate the Houston Tap and Brazoria Rail Road Company.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, reported correctly enrolled, properly signed, and this day presented to the Governor.

A bill to establish a Code of Criminal Procedure for the State of Texas.

A bill to authorize the County Court of Rusk County to grant letters of administration on the estate of Bolling Hall, dec'd, late of Cherokee county.

A bill to incorporate the Texas iron, steel, and copper manufacturing, mining and trading company.

A bill to provide for the improvement of the Capitol Grounds.

A bill for the relief of Jas. T. Cadenhead.

" " " Joseph Henson.

" " " Fenton M. Gibson and Wm. Oldham.

" " " John B. Gaines.

" " " J. B. Brownrigg, and

A bill to establish an institution for the education of the Deaf and Dumb.

Mr. Hord introduced a bill to provide for the publication and distribution of the Penal Code, and a Code of Criminal Procedure of the State of Texas, read 1st time.

Rule suspended and bill read 2d time.

On motion of Mr. Palmer the bill was referred to the Committee on Finance.

ORDERS OF THE DAY.

A bill to authorize certain counties, cities and towns to aid in the construction of Railroads, by subscription to their stock and to provide for the payment of the same—read.

Mr. Taylor of Cass, moved to amend by inserting "Bowie" after "Red River."

Mr. Palmer offered the following as a substitute for the amendment:

In section 1st, 4th line after "Red River" insert "and any other county, incorporated city or town in the State of Texas, which may see proper to avail themselves by a two-third vote of the benefits of this act. Adopted.

The amendment was then adopted.

Mr. Bryan moved to insert after the word "Railroad" wherever it occurs, the words "or canal." Adopted.

Mr. Weatherford moved to indefinitely postpone the bill and amendments.

Lost by the following vote:

YEAS—Messrs. Armstrong, Burroughs, McCulloch, Martin, Maverick, Millican, Pedigo, Taylor of Cass, Truit and Weatherford—10.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McDade, Palmer, Russell, Scarborough,

Superviele, Taylor of Fannin, Whitaker and Wren—16.

Mr. Taylor of Cass moved to amend by adding, "and provided further that the provisions of this act shall not apply to the counties of Cass and Titus."

Mr. Weatherford moved to amend the amendment by adding, "Dallas, Ellis, Tarrant, Johnson and Parker."

Mr. Burroughs offered the following as a substitute for both amendments :

"Provided that the property of the citizens of the counties of Jasper, Newton, San Augustine, Sabine, Cass, Titus, Dallas, Ellis, Tarrant, Johnson and Parker shall not be taxed under the provisions of this act.

On motion of Mr. Palmer the amendments and substitute were laid on the table by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, McDade, Palmer, Pedigo, Russell, Superviele, Taylor of Fannin, Whitaker and White—15.

NAYS—Messrs. Armstrong, Burroughs, McCulloch, Martin, Maverick, Millican, Taylor of Cass, Truit, Weatherford and Wren—10.

Mr. Bryan offered the following amendment :

Add to section 13th, "Immediately after the levy of the tax in each year by any county, it shall be the duty of the Chief Justice of said County to report to the Comptroller of public accounts of the State, the rate of taxation levied by such county, and thereupon the Comptroller shall immediately notify the Assessors and Collectors of each county in the State of the rate of tax levied by the county so reported, and the Assessors and Collectors shall be governed thereby, in assessing property given into them for taxation, out of the county where it is given in."

Mr. Burroughs moved to amend by adding :

"Provided that nothing herein contained shall be so construed as to permit a tax to be levied on any property exempt from taxation by the laws now in force." Adopted.

And the amendment adopted.

Mr. Taylor of Cass offered the following amendment :

"Provided that before any tax shall be levied under the provisions of this act, two-thirds of those in any county owning real estate shall first vote for the same."

Laid on the table by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes,

Guinn, Hill, McDade, Palmer, Pedigo, Russell, Superviele, Taylor of Fannin, Truit, Whitaker and White—16.

YAYS—Messrs. Armstrong, Burroughs, Hord, McCulloch, Martin, Maverick, Millican, Scarborough, Taylor of Cass, Weatherford and Wren—11.

Mr. Hill moved the previous question.

Mr. Weatherford moved to adjourn till to-morrow morning at 8 o'clock. Lost.

Mr. Taylor of Cass moved a re-consideration of the vote adopting the amendment of Mr. Bryan.

Mr. Bryan rose to a point of order, to wit: that the motion was out of order, pending a motion for the previous question.

Mr. White, (in the chair) sustained the point of order—from which decision Mr. Taylor of Cass appealed.

On motion of Mr. Burroughs a call of the Senate was ordered.

Absent—Messrs. Scarborough and Hord.

Mr. Taylor of Fannin moved to excuse the absent Senators

Mr. Weatherford moved to adjourn until to-morrow morning at 8 o'clock.

Lost by the following vote:

YEAS—Messrs. Burroughs, McCulloch, Maverick, Millican, Scarborough, Taylor of Cass, Weatherford and Wren—8.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McDade, Palmer, Russell, Superviele, Taylor of Fannin, Truit, Whitaker and White—16.

On motion of Mr. Superviele a bill to incorporate the San Antonio Gas Company, was taken up and read 1st time.

Mr. Superviele moved a suspension of the rule that the bill might be placed upon the 2d reading.

On motion of Mr. Taylor of Fannin a call of the Senate was ordered.

Absent—Messrs. Armstrong, Martin, Pedigo, McDade and White.

Mr. Weatherford moved to adjourn till to-morrow morning at 8 o'clock. Lost.

Mr. Hill moved to adjourn till Friday morning at 8 o'clock. Lost.

Mr. McCulloch moved to adjourn till 8 o'clock to-night.—Lost.

Mr. Flanagan moved to suspend the call of the Senate.—Lost.

Mr. Caldwell moved to take up the Governor's message.

On motion of Mr. Taylor of Fannin a call of the Senate was ordered.

Mr. White moved to adjourn until 7 o'clock to-night.—
Lost.

Mr. Weatherford moved to adjourn until 8 o'clock to-morrow morning. Lost.

The Secretary announced the Senate as full.

The question then recurred on the motion for the previous question.

On motion of Mr. Burroughs a call of the Senate was ordered.

Absent—No one.

The main question was then ordered and the bill passed to 3d reading by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McDade, Palmer, Pedigo, Russell, Scarborough, Taylor of Fannin, Whitaker and White—16.

NAYS—Messrs. Armstrong, Burroughs, McCulloch, Martin, Maverick, Millican, Superviele, Taylor of Cass, Truit, Weatherford and Wren—11.

Mr. Hill moved a re-consideration of the vote passing the bill to a 3d reading. Lost.

On motion of Mr. Taylor of Cass the Senate adjourned till 7½ o'clock, P. M.

HALF-PAST Seven o'clock, P.M.

Senate met—roll called—quorum present.

On motion of Mr. Grimes, a bill to authorize the Commissioner of the General Land Office to issue patents upon certain surveys heretofore made of the islands of Mustang, Matagorda and St. Joseph, with amendments by the House was taken up, and amendments concurred in.

On motion of Mr. Taylor of Fannin a bill requiring the Judges of the Judicial Districts therein named to alternate holding the sessions of the District Courts, with the report of the committee on the Judiciary offering amendments thereto, was taken up, read and the amendments adopted.

Mr. Guinn offered the following amendment :

"Strike out from 1st section all that relates to the 9th and 16th Judicial Districts."

Mr. Taylor of Fannin moved to lay the amendment on the table. Lost.

The amendment was then adopted by the following vote :

YEAS—Messrs. Allen, Burroughs, Caldwell, Grimes, Guinn,

Hill, Hord, McCulloch, McDade, Palmer, Russell and Scarborough—12.

NAYS—Messrs. Flanagan, Martin, Maverick, Pedigo, Superviele, Taylor of Cass, Taylor of Fannin, Truit, Whitaker and White—10.

Mr. McDade moved to amend by striking out all relating to the 3d and 17th Judicial Districts. Adopted.

Mr. Whitaker moved to indefinitely postpone the bill and amendment.

Lost by the following vote :

YEAS—Messrs. Burroughs, Guinn, Hill, Hord, McCulloch, McDade, Martin, Maverick, Millican, Palmer and Whitaker—11.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Pedigo, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Truit and White—13.

Mr. Hord moved to amend by striking out "10th district" and insert "12th district."

On motion of Mr. Truit the bill and amendment was re-referred to the Judiciary Committee.

On motion of Mr. Whitaker a bill to define the time of holding the District Courts in the 5th Judicial District, with the report of the Judiciary Committee offering amendments thereto, was taken up and the amendments adopted.

The bill was then passed to a 3d reading.

Rule suspended, bill read 3d time and passed.

Mr. Pedigo moved to reconsider the vote passing the bill defining the time of holding the several District Courts, in the Fifth Judicial District.

On motion of Mr. Taylor of Fannin, laid on the table.

Mr. Taylor of Fannin, introduced a bill for the relief of Amos E. Morris, read 1st time.

Mr. Superviele moved to refer the bill to the Committee on Private Land Claims No. 2—carried.

A message was received from the House informing the Senate of the passage of the following bills originating in the Senate :

A bill for the relief of the heirs of John B. Adams, and Ann Adams.

A bill for the relief of Mercer Fain, sen., and William M. Hewitt, and

A bill for the relief of Francis Blundel.

On motion of Mr. Bryan,

A bill for the relief of Daniel R. Kincheloe, Sam. S. Montgomery, the heirs of Jesse N. Flowers, the heirs of Virgil A. Stewart and the heirs of John Thomas, dec'd, was taken up and read 1st time.

Rule suspended, bill read 2d time and referred to the Committee on Private Land Claims No. 1.

On motion of Mr. Taylor of Fannin, the Senate adjourned until to-morrow morning at 8 o'clock.

WEDNESDAY, August 27th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday, was read and adopted.

Mr. Bryan, Chairman of the committee on Education, made the following report:

The committee on Education to which was referred "A bill to authorize the disposition and sale of the University lands, have considered the same and instruct me to report the bill back with the accompanying amendments, recommending their adoption and the passage of the bill.

Amendments: Fill the blank in 7th section, with \$8 00.

Insert at the end of 12th section, the words, "provided that said bid shall not be less than \$3 00 per acre."

On motion of Mr. Allen, the rule was suspended, the bill and report taken up, read, and the report amended by striking out "\$8" and inserting "\$5."

The report was then adopted and the bill passed to 3rd reading.

Rule further suspended, bill read 3d time and passed.

Mr. Taylor of Cass, chairman of the committee on Public Debt, to which was referred A bill for the relief of Thomas G. McGehee, reported the same back and asked to be discharged from its further consideration.

Mr. Flanagan, chairman of the committee on Internal Improvements, to which was referred A bill to incorporate the Nueces and San Patricio Shell Road and Bridge Company, reported the same back with the accompanying amendment, and recommended its adoption and the passage of the bill.

Amendment: Add to 6th section, "and the County Court of Nueces shall have the power, and it is hereby made the duty of said County Court, where the bridge is situated, to